

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

UNITED STATES OF AMERICA, )  
                                  )  
                                  )  
                                 Plaintiff, )  
                                  )  
                                  )  
                                 v. )                                 No. 06-4050-01-CR-C-SOW  
                                  )  
                                  )  
RANDY GENE TETER, JR., )  
                                  )  
                                  )  
                                 Defendant. )

**REPORT AND RECOMMENDATION**

On November 20, 2006, defendant Randy Gene Teter, Jr., filed a motion for examination, pursuant to 18 U.S.C. §§ 4241 and 4242.<sup>1</sup> On December 6, 2006, the evaluation was ordered. The evaluation was conducted at the Metropolitan Correctional Center, Chicago, Illinois, by Ron Nieberding, Ph.D., Licensed Clinical Psychologist, and his report was filed with the Court on April 23, 2007. The matter was called for a hearing on April 30, 2007. The defendant appeared in person and with counsel. The only evidence presented was the psychological report already filed with the Court. Dr. Nieberding was of the opinion that the defendant is not suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature of the consequences of the proceedings against him or to assist properly in his defense; and he was of the opinion that defendant understood the nature and quality, or wrongfulness of his actions at the time of the alleged instant offense. Although defendant has expressed some very unusual beliefs about the Federal Government, and his own personal history and his judgment are suspect, no evidence strongly suggests incompetence.

IT IS, THEREFORE, RECOMMENDED that defendant Randy Gene Teter, Jr., be found competent to stand trial.

Under 28 U.S.C. § 636(b)(1), the parties may make specific written exceptions to this recommendation within ten (10) days. If additional time is needed, a motion for an extension of

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<sup>1</sup>This case was referred to the undersigned United States Magistrate Judge for processing in accord with the Magistrate Act, 28 U.S.C. § 636, and W.D. Mo. R. 22.

time must be filed within ten days. The motion should state the reasons for the request. See Nash v. Black, 781 F.2d 665, 667 (8th Cir. 1986) (citing Thomas v. Arn, 474 U.S. 140 (1985)); Messimer v. Lockhart, 702 F.2d 729 (8th Cir. 1983). Failure to make specific written exceptions to this report and recommendation may result in a waiver of the right to appeal.

Dated this 15<sup>th</sup> day of May, 2005, at Jefferson City, Missouri.

/s/ William A. Knox

WILLIAM A. KNOX  
United States Magistrate Judge